

# LICENSING PANEL MINUTES

## 17 OCTOBER 2019

**Chair:** \* Councillor Dean Gilligan

**Councillors:** \* Pamela Fitzpatrick \* Chetna Halai

\* Denotes Member present

### 62. Appointment of Chair

**RESOLVED:** That Councillor Dean Gilligan be appointed Chair of the Licensing Panel Hearing.

### 63. Declarations of Interest

**RESOLVED:** To note that there were no declarations of interest made by Members

### 64. Minutes

(See Note at conclusion of these minutes).

### 65. Licensing Procedures

The Chair asked the Panel Members, officer/s, Responsible Authority/ies and other attendees at the meeting to introduce themselves and then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

### RESOLVED ITEMS

### 66. Application for review of the premises licence for Transilvanya, 18 North Parade, Mollison Way, Edgware, Middlesex, HA8 5QH

### **In attendance:**

Legal Adviser:	Lina Amir
Licensing Officer:	Ash Waghela
Licence Holder:	Andrea Dutta-Spatariu
Business Owner:	Constantin Duta
Metropolitan Police:	PC Downes PC Johnson
Observers:	PC Bignall Sotnam Sohota Natasha Cockar

The Panel carefully considered all the relevant information including:

- written and oral representations by all the parties
- the Licensing Act 2003 and the steps that are appropriate to promote the licensing objectives
- the Guidance issued under section 182 of the Licensing Act 2003
- Harrow Council's Licensing Policy
- Human Rights Act 1998.

Members of the Panel also took into consideration the following, full details of which were set out in the Decision Notice sent to all interested parties:

- the Police had observed that the licensee had not upheld one or more of the four licensing objectives, the licensee had breached the licence conditions and sold smuggled goods. During a visit on 8 March 2019 low priced cans of beer were discovered, raising suspicion of unpaid duty tax. The DPS was not available for discussion at the time of visit and no contact was made despite Police follow up;
- a further joint visit by the Police and HMRC (Her Majesty's Revenue and Customs) of the premises made on 14 August 2019 had established that alcohol was being routinely purchased in cash from a man in a van. No evidence of duty payment or proof of purchase was evident, resulting in the seizure of the goods by HMRC;
- the absence of operational CCTV on the premises, an added breach of the licence conditions, was also observed, with no indication of any plans being put in place by the owner to have it repaired;
- verbal representations made by the DPS at the Panel meeting acknowledged the inadequate level of oversight and management of the premises as well as the ensuing impact on the local community. The DPS further stated that the business was struggling to meet demands, including the increased premises rent;
- consideration of the Guidance issued under section 144 of the Licensing Act 2003 was given which stated that certain criminal activity, such as the use of licensed premises for the sale or storage of smuggled tobacco and alcohol, should be treated as a serious offence;

- while the submissions from the licence holder and their willingness to surrender the licence were taken into account, the possibility of reinstating the licence required a determination of the application.

The Panel concluded that, in the circumstances, revoking the licence was an appropriate and proportionate step to take in order to promote all the licensing objectives and, accordingly,

**RESOLVED:** That the licence for Transylvania, 18 North Parade, Mollison Way, Edgware, HA8 5QH be revoked.

**REASONS:** As detailed in the Decision Notice sent to all interested parties and set out in brief in the preamble above.

### **Right to Appeal**

Any party aggrieved with the decision of the Licensing Panel on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision.

The determination, in accordance with section 52(11) of the Licensing Act 2003, did not take effect:

- (a) until the end of the period given for appealing against the decision; or
- (b) if the decision was appealed against, the disposal of the appeal.

(Note: The meeting, having commenced at Time Not Specified, closed at Time Not Specified).

(Signed) COUNCILLOR DEAN GILLIGAN  
Chair

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chair for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].